



## Case Report

1	Case Number	0168/15
2	Advertiser	Citroen Automobiles Australia
3	Product	Vehicle
4	Type of Advertisement / media	Radio
5	Date of Determination	13/05/2015
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

There are two 30 second radio advertisements which highlight a great offer for the Citroen Berlingo Van. Both ads tell the story by describing the offer using sound effects that best relate to jobs that the possible target demographic (being tradesman and small business owners) do, such as the sound of a hammer for builders, a sound of a mower for gardeners and a barking dog for dog groomers etc.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Each category of persons was preceded by the word F##ken with the "uc' letters/sound having a noise over the top of it. So basically you can hear F...ken Plumbers - F..ken Painters - F...ken electricians etc.*

*It is very clear what is being said and I am glad we didn't have kids in the car. I was shocked that the radio station would allow this advert to be played during the day and school holidays. But basically I feel it should be taken off the air immediately. Appreciate your help with this.*

*I object because it was blatantly obvious that they were using the F word to grab attention. You could basically hear the whole word. How is that any better than just saying the real word? Kids that are listening would know exactly what is being insinuated. It is a bogan attempt to try and relate to tradesman who may not speak like that anyway. I don't know what*

*the laws are on swear words in advertising but I can't see how this is acceptable. Are the standards dropping? These sorts of ads seem to be becoming more common.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We note that you have identified that the Advertisement may have breached Section 2 of the Advertiser Code of Ethics.*

*Having regard to the content of the Advertisement we submit that the following parts of Section 2 and following codes which are incorporated into Section 2 or otherwise administered by the Advertising Standards Bureau are not relevant:*

- *2.1- Discrimination or vilification*
- *2.2- Exploitative and degrading*
- *2.3 – Violence*
- *2.4 - Sex, sexuality and nudity*
- *2.6 - Health and Safety*
- *AANA Code for Advertising & Marketing Communications to Children*
- *AANA Food & Beverages Marketing and Communications Code*
- *FCAI Motor Vehicles Code*
- *AFCG Responsible Children's Marketing Initiative of the Australia Food and Beverage Industry*
- *Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children*
- *AANA Environmental Claims in Advertising and Marketing Code*
- *AANA Best Practice Guidelines: Responsible Marketing Communications in the Digital Space*
- *Alcohol Beverages Codes*
- *Therapeutic Goods Advertising Code*
- *Weight Management Industry Code of Practice*
- *ASTRA Codes of Practice*

- *Commercial Radio Code of Practice*
- *Commercial TV Code of Practice*

*The complaint is therefore limited to Section 2.5 of the Advertiser Code of Ethics.*

*In reference to the complaints, we submit both versions of the Advertisement do not use any obscene words and the listeners who have lodged complaints have simply inferred that strong language has been used. Profanities are not scripted in the Advertisements. Whilst some spoken sounds can be heard on either side of the sound effects, actual words are not, in our submission, discernible. If an inference of a word can be made from the audible sounds this is not of itself evidence of a breach of section 2.5. The word which may or may not have been used by the reader of the script is unclear and there are many words in the English dictionary that start and end with the same sounds and letters. Whilst some may be strong or obscene a great many are not. The complaint is that the "F word" can be basically heard. One complaint states that it is "f(beep) ing" another that it is "f##ken". There are many words which start and end with these same sounds and or letters, for example:*

*"freaking" - Used for emphasis or to express anger, annoyance, contempt, or surprise*

*"fixing" - The action of fastening something in place or the process of deciding or planning something*

*"firking" - A varying measure of capacity, usually being the fourth part of a barrel; specifically, a measure equal to nine imperial gallons. which is not prohibited under the Code.*

*"forking" - Dig or move (something) with a fork*

*"flaking" -A small, flat, very thin piece of something, typically one which has broken away or been peeled off from a larger piece*

*" frisking" - skip or leap playfully; frolic*

*"flaming" - Burning fiercely and emitting flames*

*"fleeting - brief, transient, short-lived, short, momentary, sudden, cursory, transitory, ephemeral, fugitive, evanescent, fading, vanishing, flying, fly-by-night, passing, flitting, here today and gone tomorrow, temporary, impermanent, short-term, rapid, quick, swift, rushed.*

*One of the above and many others could be inferred instead of an obscene word and none of the above are prohibited by the Code.*

*We have endeavoured to create an advertisement that is bold and memorable but we have also ensured that it is in line with all legal standards and codes. We believe that we have not breached this code as the actual language used is neither strong or obscene. The tone of the advertisement is not negative or aggressive and the words are not directive to anyone in a negative or derogatory light.*

*We submit that the language used was appropriate for its intended audience and does not include anything which is obscene or offensive. We will however ensure all future publications will have no spoken sounds audible under or at the beginning or end of the sound effects and have included in our documentation the two updated versions of the ad for your reference.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement features inappropriate language that is not sufficiently beeped out to cover what the word is meant to say.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted this radio advertisement tells a story by using sound effects that best relate to jobs that the possible target demographic (being tradesman and small business owners) do, such as the sound of a hammer for builders, a sound of a mower for gardeners and a barking dog for dog groomers.

The Board noted the beeped out middle section of the word is intended to increase the impact on the listener and to add some humour while drawing that attention of the listener to the promotion.

The Board noted that this advertisement is played on the radio and therefore is available to a wide audience.

The Board noted it had previously upheld complaints for the Motor Accident commission SA (0013/11) where the “f” word was beeped out. In that matter, the Board noted that “...although the word is beeped out, the inference to a strong swear word is clear. The Board considered that most members of the community would consider a child saying ‘fucked’ was not appropriate...”

Similar to the matter mentioned above, in this case, the Board noted that although the word is beeped out, it is not sufficiently beeped out and the inference to a strong swear word is clear and the repetition ultimately attracts the attention of the listener more so.

The Board considered that most members of the community would consider the use of the term “fuck?” or “fucked” as inappropriate and obscene. The Board considered that the inferred word as well as the repetitive nature of the advertisement makes this inappropriate in the circumstances.

The Board noted the advertiser has already made a modified version of this advertisement taking measures to more effectively cover the word being alluded to. The Board noted however that they are able only to make a determination on the advertisement originally complained about and based on the above considered that the use of language in the advertisement was inappropriate and was strong and obscene, and determined that the advertisement did breach Section 2.5 of the Code.

The Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach section 2.5 of the Code, the Board upheld the complaints.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Just confirming that Citroen Australia had replaced the radio ad under question with a revised radio ad. The revised radio ad has in our opinion neutralised the issue originally raised by the complainant.